

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jean Paul Lozada	Team: Squad #2	CCRB Case #: 202003372	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input checked="" type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 05/18/2020 8:08 PM, Monday, 05/18/2020 8:30 PM	Location of Incident: President Street between Nostrand Avenue and Rogers Avenue; 77th Precinct Stationhouse	Precinct: 71	18 Mo. SOL 11/18/2021	EO SOL 5/4/2022	
Date/Time CV Reported Mon, 05/18/2020 8:32 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 05/18/2020 8:32 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Ashley Griffith	19021	958654	077 PCT
2. PO Rochael Vasquez	10909	960049	PBBN SU
3. PO William Carroll	09124	967445	077 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. Officers			

Officer(s)	Allegation	Investigator Recommendation
A.POM Ashley Griffith	Abuse: On President Street between Nostrand Avenue and Rogers Avenue in Brooklyn, Police Officer Ashley Griffith stopped the vehicle in which § 87(2)(b) and individuals were occupants.	
B.PO Rochael Vasquez	Abuse: On President Street between Nostrand Avenue and Rogers Avenue in Brooklyn, Police Officer Rochael Vasquez stopped the vehicle in which § 87(2)(b) and individuals were occupants.	
C.POM Ashley Griffith	Abuse: On President Street between Nostrand Avenue and Rogers Avenue in Brooklyn, Police Officer Ashley Griffith frisked § 87(2)(b)	
D.POM Ashley Griffith	Discourtesy: On President Street between Nostrand Avenue and Rogers Avenue in Brooklyn, Police Officer Ashley Griffith spoke discourteously to § 87(2)(b)	
E.PO Rochael Vasquez	Abuse: On President Street between Nostrand Avenue and Rogers Avenue in Brooklyn, Police Officer Rochael Vasquez frisked § 87(2)(b)	
F.POM Ashley Griffith	Abuse: On President Street between Nostrand Avenue and Rogers Avenue in Brooklyn, Police Officer Ashley Griffith frisked an individual.	

Officer(s)	Allegation	Investigator Recommendation
G.POM Ashley Griffith	Abuse: On President Street between Nostrand Avenue and Rogers Avenue in Brooklyn, Police Officer Ashley Griffith searched the vehicle in which § 87(2)(b) and individuals were occupants.	
H.PO Rochael Vasquez	Abuse: On President Street between Nostrand Avenue and Rogers Avenue in Brooklyn, Police Officer Rochael Vasquez searched the vehicle in which § 87(2)(b) and individuals were occupants.	
I.POM Ashley Griffith	Abuse: On President Street between Nostrand Avenue and Rogers Avenue in Brooklyn, Police Officer Rochael Vasquez failed to provide § 87(2)(b) with a business card.	
J.POM Ashley Griffith	Abuse: On President Street between Nostrand Avenue and Rogers Avenue in Brooklyn, Police Officer Ashley Griffith failed to provide § 87(2)(b) with a business card.	
K.PO Rochael Vasquez	Abuse: On President Street between Nostrand Avenue and Rogers Avenue in Brooklyn, Police Officer Rochael Vasquez failed to provide § 87(2)(b) with a business card.	
L.POM Ashley Griffith	Abuse: On President Street between Nostrand Avenue and Rogers Avenue in Brooklyn, Police Officer Ashley Griffith failed to provide § 87(2)(b) with a business card.	
M.PO Rochael Vasquez	Abuse: On President Street between Nostrand Avenue and Rogers Avenue in Brooklyn, Police Officer Rochael Vasquez failed to provide § 87(2)(b) with a business card.	
N.PO William Carroll	Abuse: At the 77th Precinct stationhouse, Police Officer William Carroll did not process § 87(2)(b) complaint regarding officers.	
O.POM Ashley Griffith	Untruthful Stmt.: Police Officer Ashley Griffith provided a false official statement to the CCRB.	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

Case Summary

On May 18, 2020, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System on behalf of himself, his son § 87(2)(b) his son's friend § 87(2)(b) and two unidentified individuals (Board Review 01). This case was originally assigned to Inv. Kenneth Shelton and was reassigned to SI Jean-Paul Lozada on May 6, 2021.

On May 18, 2020, at approximately 8:08 p.m., Police Officers Ashley Griffith and Rochael Vasquez of the 77th Precinct pulled over the vehicle in which § 87(2)(b) § 87(2)(b) and their two unidentified friends were occupants on President Street, between Nostrand and Rogers Avenues, in Brooklyn (**Allegations A and B – Abuse of Authority: Vehicle Stop**, § 87(2)(g) Police Officer Griffith removed § 87(2)(b) from the car, frisked him (**Allegation C – Abuse of Authority: Frisk**, § 87(2)(g) and said, “Oh shit, word? I didn’t know it was you, bro,” and, “Whose car is this, is this your shit?” (**Allegation D – Discourtesy: Word**, § 87(2)(g) Police Officer Vasquez and Police Officer Griffith removed § 87(2)(b) and an unidentified male from the vehicle and frisked them, and then searched the vehicle (**Allegations E, G, and H – Abuse of Authority: Frisk, Vehicle Search**; § 87(2)(g) § 87(2)(b) **Allegation F – Abuse of Authority: Frisk** – § 87(2)(g) § 87(2)(b) arrived at the scene, and Police Officer Griffith allegedly refused to provide his business card to him upon his request (**Allegation I – Abuse of Authority: Failure to Provide RTKA Card**, § 87(2)(g) The officers left the scene without effecting any arrests, issuing any summonses, or offering anyone a business card (**Allegations J to M – Abuse of Authority: Failure to Provide RTKA Card**, § 87(2)(g) § 87(2)(g)

Immediately after the incident, § 87(2)(b) went to the 77th Precinct stationhouse to file a complaint about the incident, and Police Officer Thomas Carroll of the 77th Precinct allegedly pointed toward a board and told him to call the CCRB’s posted telephone number (**Allegation N – Abuse of Authority: Refusal to Process Civilian Complaint**, § 87(2)(g) § 87(2)(g)

Police Officer Griffith provided a false official statement to the CCRB on October 29, 2021 (**Allegation O – Untruthful Statement: False Official Statement**, § 87(2)(g) § 87(2)(g)

§ 87(2)(g), § 87(4-b)

Body-worn camera (BWC) footage was obtained from the BWCs of Police Officer Griffith and Police Officer Vasquez (IA#s 138, 139; Board Reviews 25 and 26) and are summarized in IA # 95 and 98 (Board Reviews 27 and 28).

Findings and Recommendations

Allegation (A) Abuse of Authority: On President Street between Nostrand Avenue and Rogers Avenue in Brooklyn, Police Officer Ashley Griffith stopped the vehicle in which § 87(2)(b) § 87(2)(b) and individuals were occupants.

Allegation (B) Abuse of Authority: On President Street between Nostrand Avenue and Rogers Avenue in Brooklyn, Police Officer Rochael Vasquez stopped the vehicle in which § 87(2)(b) § 87(2)(b) and individuals were occupants

§ 87(2)(b) was interviewed by telephone on July 2, 2020 (Board Review 03). § 87(2)(b) missed an interview appointment on August 18, 2020, and did not respond to subsequent

contact attempts. § 87(2)(b) did not wish to provide a statement to the CCRB. The investigation was unable to identify the two other occupants of the vehicle. Police Officer Brandon Ashley of the 110th Precinct was interviewed on March 11, 2021 (Board Review 29). Police Officer Vasquez was interviewed on September 7, 2021 (Board Review 04). Police Officer Griffith was interviewed on October 29, 2021 (Board Review 05).

It is undisputed that § 87(2)(b) had a temporary license plate affixed to his vehicle.

§ 87(2)(b) stated that he received a call from § 87(2)(b) who said his car had been pulled over. He noted that the car had been recently purchased and had temporary license plates. When he arrived at the scene, Police Officer Vasquez told him that he stopped the car due to its temporary license plates.

Both Police Officer Vasquez and Police Officer Griffith stated that they pulled over § 87(2)(b) vehicle because its windows were excessively darkly tinted and it had no rear license plate. Police Officer Vasquez stated that there was a paper license plate affixed to the inside of the rear windshield that was not visible through the tints. Police Officer Griffith did not recall the vehicle having a temporary license plate.

At runtime 00:30 of Police Officer Vasquez's BWC footage (Board Review 25), Police Officer Vasquez says, "If you don't have it displayed in the back, that's improperly displayed." At runtime 06:04 of Police Officer Griffith's BWC footage (Board Review 26), § 87(2)(b) is heard saying, "That's where the dealer put them. I asked, 'Are you supposed to put them on the back?' He said, 'No, put it in the window.'" The temporary license plate and the missing rear license plate are not visible in either video.

NYS Vehicle and Traffic Law 402 states, "Number plates shall be kept clean and in a condition so as to be easily readable and shall not be covered by glass" (Board Review 06).

§ 87(2)(g)

Allegation (C) Abuse of Authority: On President Street between Nostrand Avenue and Rogers Avenue in Brooklyn, Police Officer Ashley Griffith frisked § 87(2)(b)
Allegation (E) Abuse of Authority: On President Street between Nostrand Avenue and Rogers Avenue in Brooklyn, Police Officer Rochael Vasquez frisked § 87(2)(b)
Allegation (F) Abuse of Authority: On President Street between Nostrand Avenue and Rogers Avenue in Brooklyn, Police Officer Ashley Griffith frisked § 87(2)(b)
Allegation (G) Abuse of Authority: On President Street between Nostrand Avenue and Rogers Avenue in Brooklyn, Police Officer Ashley Griffith searched the vehicle in which § 87(2)(b) and individuals were occupants.
Allegation (H) Abuse of Authority: On President Street between Nostrand Avenue and Rogers Avenue in Brooklyn, Police Officer Rochael Vasquez searched the vehicle in which § 87(2)(b) and individuals were occupants.

§ 87(2)(b) stated that he went to the scene after receiving § 87(2)(b) call. When he arrived, he saw Police Officer Vasquez and Police Officer Griffith searching § 87(2)(b) vehicle. He did not mention seeing the officers frisk anyone. The officers searched the entire car, including the front and back seats, the doors, the glove box, the center console, the trunk,

and underneath the carpets. The officers did not find anything in the vehicle. § 87(2)(b) made no mention of anyone possessing or smelling like marijuana.

In Police Officer Griffith's BWC footage (Board Review 26), at runtime 00:56, Police Officer Vasquez says, "You guys are smoking in here? Because I smell it." Police Officer Griffith says, "Yeah, it's like wild weed in here." At runtime 01:28, Police Officer Griffith asks § 87(2)(b) to exit the vehicle. Police Officer Griffith then frisks § 87(2)(b) outside the vehicle. At runtime 02:30, Police Officer Griffith frisks the unidentified male who was seated in the rear passenger side seat.

At runtime 01:56 of Police Officer Vasquez's BWC (Board Review 25), Police Officer Vasquez asks § 87(2)(b) to exit the vehicle, and then he frisks § 87(2)(b). At runtime 04:48, Police Officer Vasquez and Police Officer Griffith are seen searching the vehicle. The officers do not appear to find any marijuana in either BWC video.

Police Officer Vasquez and Police Officer Griffith stated that they searched the vehicle due to the strong odor of marijuana. Police Officer Vasquez stated that he found crushed fragments of marijuana on the floor that he was unable to recover. Police Officer Griffith did not believe he or Police Officer Vasquez was able to determine the source of the odor of marijuana.

Police Officer Griffith stated that he frisked § 87(2)(b) and the unidentified male because he wanted to make sure that they did not have any weapons on them. He noted that their pockets were bulging from items such as cell phones, but he did not recall whether he had any reason to believe they were carrying a weapon.

Police Officer Vasquez stated that he frisked § 87(2)(b) due to the odor of marijuana and to check him for weapons, but he had no specific reason to suspect § 87(2)(b) had a weapon at the time of the incident. He did not see any bulges in § 87(2)(b) pants.

The odor of marijuana emanating from a vehicle provides officers probable cause to search a vehicle and its occupants People v. Chestnut, 43 A.D.2d 260 (1974) (Board Review 07).

The investigation was unable to obtain statements from § 87(2)(b) § 87(2)(b) or anyone else inside the vehicle, and as such, none of the victims in the vehicle could be asked whether the vehicle contained or smelled of marijuana. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (D) Discourtesy: On President Street between Nostrand Avenue and Rogers Avenue in Brooklyn, Police Officer Ashley Griffith spoke discourteously to § 87(2)(b)
Allegation (O) Untruthful Statement: Police Officer Ashley Griffith provided a false official statement to the CCRB.

In Police Officer Griffith's BWC footage (Board Review 26), at runtime 01:32, after frisking § 87(2)(b) Police Officer Griffith says, "“Oh shit, word? I didn't know it was you, bro.” Before searching the car, Police Officer Griffith says to § 87(2)(b) “Whose car is this, is this your shit?” § 87(2)(b) says the car is his but is not in his name. § 87(2)(b) and the vehicle's other occupants were cooperative with the officers, remained calm, and did not offer

any active or passive resistance.

Police Officer Griffith did not recall using any profanities during the incident. After watching his BWC footage, Police Officer Griffith stated that he said, “Oh shoot, word?” not, “Oh shit, word?” and that he did appear to say, “Whose car is this, is this your shit?” in the video but he was not sure. He noted that it may sound like he said “shit” in this moment because he has “a little accent.”

§ 87(2)(b) and Police Officer Vasquez made no mention of any officer using profanities.

While officers are generally prohibited from using profanities toward civilians, they may use profanities “in the context of a dynamic situation over which [they are] attempting to gain control,” but may not do so when it “[serves] no legitimate purpose but to belittle” a civilian (PD v. Pichardo, DAO DCT Case Number 2015-15012, Board Review 08).

The NYPD is committed to “treating every citizen with compassion, courtesy, professionalism, and respect” (Patrol Guide Procedure 200-02, Board Review 09).

Administrative Guide Procedure 304-10 (Board Review 10) defines a false statement as “an intentional statement that a member of the service knows to be untrue, which is material to the outcome of an investigation, proceeding, or other matter in connection with which the statement is made,” and it prohibits officers from intentionally making false official statements in interviews pursuant to investigations by the CCRB.

Police Officer Griffith’s BWC footage captures him using the word “shit” toward § 87(2)(b) twice, and at no point during the incident does § 87(2)(b) or anyone else behave in a disruptive manner warranting the use of discourteous language. § 87(2)(g)

After watching his BWC footage, Police Officer Griffith stated that he said, “Oh shoot, word?” However, his BWC footage captures him using the word “shit,” not “shoot.” § 87(2)(g)

Allegation (I) Abuse of Authority: On President Street between Nostrand Avenue and Rogers Avenue in Brooklyn, Police Officer Rochael Vasquez failed to provide § 87(2)(b) with a business card.

Allegation (J) Abuse of Authority: On President Street between Nostrand Avenue and Rogers Avenue in Brooklyn, Police Officer Ashley Griffith failed to provide § 87(2)(b) with a business card.

Allegation (K) Abuse of Authority: On President Street between Nostrand Avenue and Rogers Avenue in Brooklyn, Police Officer Rochael Vasquez failed to provide § 87(2)(b) with a business card.

Allegation (L) Abuse of Authority: On President Street between Nostrand Avenue and Rogers Avenue in Brooklyn, Police Officer Ashley Griffith failed to provide § 87(2)(b) with a business card.

Allegation (M) Abuse of Authority: On President Street between Nostrand Avenue and Rogers Avenue in Brooklyn, Police Officer Rochael Vasquez failed to provide § 87(2)(b) with a business card.

The following facts are undisputed: Police Officer Griffith frisked § 87(2)(b) and an unidentified male; Police Officer Vasquez frisked § 87(2)(b) both officers searched the vehicle; the civilians were released without summonses; and neither officer offered any civilian a business card.

§ 87(2)(b) stated that after the officers searched the car, he asked Police Officer Griffith for a business card, and Police Officer Griffith replied, § 87(2)(b) knows who we are.” No officer gave § 87(2)(b) a business card. § 87(2)(b) made no mention of either officer offering a business card to anyone.

Police Officer Vasquez’s and Police Officer Griffith’s statements were generally consistent. They did not offer their business cards because they pulled over the vehicle for a traffic violation, and that no one asked for their business cards.

The BWC videos begin while the civilians are still seated inside § 87(2)(b) vehicle, and they end after the civilians are placed back inside the vehicle, but before the officers enter their police vehicle and leave the scene. Neither BWC video captures any officer offering a business card to any civilian or § 87(2)(b) asking any officer for a business card.

Officers must offer a business card to any individual with which they conduct a law enforcement activity, such as a frisk or a vehicle search, at the conclusion of any such activity that does not result in an arrest or summons (NYC Administrative Code 14-174, Board Review 11).

The BWC videos end before Police Officer Vasquez and Police Officer Griffith enter their police vehicle and leave the scene. § 87(2)(g)

§ 87(2)(g)

Allegation (N) Abuse of Authority: At the 77th Precinct stationhouse, Police Officer William Carroll did not process § 87(2)(b) complaint regarding officers.

§ 87(2)(b) stated that immediately after the incident, he went to the 77th Precinct stationhouse to file a complaint against Police Officer Vasquez and Police Officer Griffith. He spoke to an officer at the desk – a uniformed white male who was not the desk sergeant – who pointed toward a board on the wall and told him to call the posted number. § 87(2)(b) took a photograph of the number and later called and filed this complaint directly with the CCRB.

Police Officer Carroll’s memo book (Board Review 12) indicates that he worked as the Telephone Switchboard Operator at the 77th Precinct stationhouse during Tour 3 of May 18, 2020. § 87(2)(g)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been a party (Board Review 18, 19, 20).
- Police Officer Rochael Vasquez has been a member of service for six years and has been a subject in 13 other CCRB complaints and 40 other allegations, two of which were substantiated in two cases:
 - 201806017 involved a substantiated Vehicle Stop allegation. The Board recommended formalized training, and the NYPD took no disciplinary action.
 - 201906017 involved a substantiated Property Damaged allegation. The Board recommended formalized training, and the NYPD imposed a penalty of instructions.
 - § 87(2)(g)
- Police Officer Ashley Griffith has been a member of service for six years and has been a subject in 12 other CCRB complaints and 50 other allegations, one of which was substantiated.
 - 201906017 involved a substantiated Property Damaged allegation. The Board recommended formalized training, and the NYPD imposed a penalty of instructions.
 - § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of November 17, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to this incident (Board Review 21).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 02

Investigator:	<u>JP Lozada</u>	<u>SI Jean-Paul Lozada</u>	<u>12/03/2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Alexander Opoku-Agyemang</u>	<u>IM Alexander Opoku-Agyemang</u>	<u>12/3/2021</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date